

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

30.11.2021
Sl. No. 35
k.b. /b.r.
Crt.1
granted

**CRM 1065 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Matigara P.S. Case No. 1112 of 2021 dated 30.09.2021 under Sections 354/509/429/379/506/34 of the Indian Penal Code read with Section 11(d) of the Prevention to Animal Act, 1963.

And

In the matter of: **Nazimul Chowdhury @ Nazimul Islam Chowdhury**
.....Petitioner.

Mr. Sayan De
Ms. Esha Acharya

...for the Petitioner.

Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee

.....for the State.

Heard the petitioner.

The petitioner complains of the fact that the *de facto complainant* is the wife of a Police Officer and therefore apprehends consequences in the event of his arrest.

From the materials on record it transpires that this is a dispute between neighbours.

Heard the State.

The genesis of the altercation relates to the objections raised by the petitioner to the alleged irresponsible attitude of the *de facto*

complainant in indulging the street dogs of the area causing inconvenience to neighbours.

Although several Sections under the IPC have been cited in the complaint including the Prevention of Cruelty to Animals Act, this Court is of the view that the facts involved do not warrant the custodial interrogation of the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Nazimul Chowdhury @ Nazimul Islam Chowdhury** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall cooperate with the Investigating Officer as and when needed.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(**Tirthankar Ghosh, J.**)

(**Subrata Talukdar, J.**)

